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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.
JORGE ALFREDO SOTO,
Defendant.

CASE NO: 2:20-cr-003-APG-EJY-2

**STIPULATION TO CONTINUE
EVIDENTIARY HEARING AND
PRETRIAL MOTION DEADLINE**

(Eighth Request)

IT IS HEREBY STIPULATED AND AGREED by JORGE SOTO, by and through his attorney, CHRISTOPHER R. ORAM, ESQ., and the United States of America, by and through MELANEE SMITH, ESQ., Assistant United States Attorney, that the evidentiary hearing currently scheduled for February 8, 2022, at 9:30 a.m., be continued for a period of sixty (60) days to a date and time convenient to the Court.

It is further stipulated that the pretrial motion deadline be reset in this case for the limited purpose of investigating and litigating issues related to possible intellectual deficiencies with respect to Defendant Soto. The parties stipulate that the pretrial motion deadline be reset to a date that is thirty (30) days past the evidentiary hearing date to allow the parties to address any pretrial issues that arise with respect to Mr. Soto's intellectual deficiency issues. The parties request that the Court schedule response and reply dates to follow the motion deadline at the Court's direction.

These requests are based upon the following:

1. Defense Counsel has informed the Government that Mr. Soto may suffer from intellectual deficiencies.
2. Pursuant to Fed. R. Crim. P. 12.2, Defense Counsel provided the required notice and expert report to the Government. The Government requires additional time to schedule an examination of Mr. Soto.
3. This continuance will necessitate a continuance of the calendar call and trial dates. The parties will submit a separate stipulation regarding that continuance.
4. JORGE SOTO is not in custody, and he does not oppose the requested continuance.
5. The Government has no objection to the continuance.
6. Denial of this request for continuance would deny the defendant the opportunity to effectively prepare for trial.
7. The additional time requested herein is not sought for purposes of delay.
8. Additionally, denial of this request for continuance could result in a miscarriage of justice.

DATED: February 2, 2022

Respectfully submitted,

/s/ Christopher R. Oram
Christopher R. Oram, Esq.
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Attorney for Jorge Soto

/s/ Melanee Smith
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UNITED STATES DISTRICT COURT

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ORDER

(Eighth Request)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defense Counsel has informed the Government that Mr. Soto may suffer from intellectual deficiencies.
2. Pursuant to Fed. R. Crim. P. 12.2, Defense Counsel provided the required notice and expert report to the Government. The Government requires additional time to schedule an examination of Mr. Soto.
3. This continuance will necessitate a continuance of the calendar call and trial dates. The parties will submit a separate stipulation regarding that continuance.
4. JORGE SOTO is not in custody, and he does not oppose the requested continuance.
5. The Government has no objection to the continuance.

6. Denial of this request for continuance would deny the defendant the opportunity to effectively prepare for trial.
7. The additional time requested herein is not sought for purposes of delay.
8. Additionally, denial of this request for continuance could result in a miscarriage of justice.

CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly investigate potential issues and prepare for trial, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the evidentiary hearing currently scheduled for February 8, 2022, at the hour of 9:30 a.m. be vacated and continued to the 7th day of June, 2022, at the hour of 9:30 a.m., in Courtroom 3C.

IT IS FURTHER ORDERED that the pretrial motions are due by the 7th day of July, 2022; Responses are due by the 21st day of July, 2022; and Replies (if any) are due by the 28 day of July, 2022.

DATED AND DONE this 3rd day of February, 2022.


UNITED STATES MAGISTRATE JUDGE